

UNITED STATES DISTRICT COURT  
for theUlde, Anthony Rudon  
*Petitioner*

v.

Craig W. Kuhn  
*Respondent*  
(name of warden or authorized person having custody of petitioner)RECEIVED  
MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

JUL 01 2024

FILED  
DOCKETED

DATE

INITIAL

Case No. 24-544  
(Supplied by Clerk of Court)

## PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

## Personal Information

1. (a) Your full name: Ulde, Anthony Rudon  
(b) Other names you have used: Conrad Jones
2. Place of confinement:
  - (a) Name of institution: Desert View Annex
  - (b) Address: 10450 Rancho Road, Adelanto, CA 92301
  - (c) Your identification number: 216448695
3. Are you currently being held on orders by:
 

Federal authorities     State authorities     Other - explain:
4. Are you currently:
 

A pretrial detainee (waiting for trial on criminal charges)  
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

  - (a) Name and location of court that sentenced you:
  - (b) Docket number of criminal case:
  - (c) Date of sentencing:

Being held on an immigration charge  
 Other (explain):

## Decision or Action You Are Challenging

5. What are you challenging in this petition:
 

How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

Pretrial detention  
 Immigration detention  
 Detainer  
 The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)  
 Disciplinary proceedings  
 Other (explain):

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court:

(b) Docket number, case number, or opinion number: 13 CR - 17388

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Mr Gallimore is the one that beat Michael Davis with a bat in his head this is all in my statement in my case they have never use my statement i was wrongfully charge.

(d) Date of the decision or action: 06/12/2018

**Your Earlier Challenges of the Decision or Action**

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

Yes  No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not appeal: I didn't appeal because I was deported back to my country.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes  No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court:
- (2) Date of filing:
- (3) Docket number, case number, or opinion number:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

(b) If you answered "No," explain why you did not file a second appeal:

*I didn't appeal because I was deported back to my country.*

**9. Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes  No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court:
- (2) Date of filing:
- (3) Docket number, case number, or opinion number:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal:

*I didn't appeal because I was deported back to my country.*

**10. Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes  No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes  No

If "Yes," provide:

- (1) Name of court:
- (2) Case number:
- (3) Date of filing:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes  No

If "Yes," provide:

- (1) Name of court:
- (2) Case number:
- (3) Date of filing:
- (4) Result:
- (5) Date of result:
- (6) Issues raised:

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

#### 11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes  No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 09/12/2022
- (b) Date of the removal or reinstatement order: 09/12/2022
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes  No

If "Yes," provide:

- (1) Date of filing:
- (2) Case number:
- (3) Result:
- (4) Date of result:
- (5) Issues raised:

(d) Did you appeal the decision to the United States Court of Appeals?

Yes  No

If "Yes," provide:

- (1) Name of court: *Ninth Circuit*
- (2) Date of filing:
- (3) Case number: *24-549*
- (4) Result: *Pending*
- (5) Date of result: *Pending*
- (6) Issues raised: *Pending*

## 12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes  No

If "Yes," provide:

- (a) Kind of petition, motion, or application:
- (b) Name of the authority, agency, or court:
  
- (c) Date of filing:
- (d) Docket number, case number, or opinion number:
- (e) Result:
- (f) Date of result:
- (g) Issues raised:

**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE:** I was charge wrongfully by the state of Cook County.

(a) Supporting facts (Be brief. Do not cite cases or law.):

In my statement have said that I is the one that hit Mr Davis on his left arm I didn't cause no injury Mr Davis. I was charge accessory of attempted murder I was wrongfully charge would attempted murder by the director of Cook county.

(b) Did you present Ground One in all appeals that were available to you?

Yes

No

**GROUND TWO:** Mr Gallimore is the one that beat Mr Davis with a bat in his head this is all in my statement in my case they have never use my statement I was wrongfully charge.

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Two in all appeals that were available to you?

Yes

No

**GROUND THREE:** MY lawyer never explain before take a Plea deal She never said this will affect my immigration status that is violate my rights to know my rights.

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Three in all appeals that were available to you?

Yes

No

**GROUND FOUR:**

(a) Supporting facts (Be brief. Do not cite cases or law):

(b) Did you present Ground Four in all appeals that were available to you?

Yes  No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: *I didn't appeal because I was deported back to my country*

**Request for Relief**

15. State exactly what you want the court to do: *I'm asking to drop my charge from attempted murder to my battery charge.*

**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

06/27/2024

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 06/27/2024

UR  
*Signature of Petitioner*

*Signature of Attorney or other authorized person, if any*

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**Form 25. Certificate of Service for Paper Filing**

**ATTENTION ELECTRONIC FILERS: DO NOT USE FORM 25**

Use Form 25 only if you are not registered for Appellate Electronic Filing.

**Instructions**

- You must attach a certificate of service to each document you send to the court and to opposing counsel.
- Include the title of the document you are serving, the name and address of each person you served with a copy of the document, and the date of mailing or hand delivery.
- Sign and date the certificate. You do not need to have the certificate notarized.
- Remember that you must send a copy of all documents and attachments to counsel for each party to this case.

9th Cir. Case Number(s) **24-544**

Case Name **Rudon V. Gavland**

I certify that I served on the person(s) listed below, either by mail or hand delivery, a copy of the **A0242** and any attachments. *(title of document you are filing, such as Opening Brief, Motion for \_\_, etc.)*

Signature **WR** Date **06/20/2024**

Name	Address	Date Served
MOLY C. Dwyer	Post Office Box 193939 San Francisco, CA 94119-3939	06/27/2024

*Mail this form to the court at:*

Clerk, U.S. Court of Appeals for the Ninth Circuit, P.O. Box 193939, San Francisco, CA 94119-3939

*Feedback or questions about this form? Email us at [forms@ca9.uscourts.gov](mailto:forms@ca9.uscourts.gov)*

Ulde Anthony Rudon  
216 448 695/24.544

I was arrested on Apple 2013 and was investigated I the Detective John saiemme star #20 769 everything that happened that night at night at the bar The police proceeded to put us in a line up with Mr gallimore, and the witness pointed us out After, were placed in a cell Three days later, I was taken to County Jail. On the first week I was taken to Court, and they told me that I was charged with Battery and Mr. gallimore was charged with attempted murder. The public defender was named Dimlock the Judge's name was Haux and the Courtroom was 205. I told my public defender what had happened that night at the bar. The case was long For the fist two years, she told me I was charged with Battery and I was offered two years. I denied the plea deal, so my case was prolonged for three years

After three years,I was told that the State had boosted up my charge to attempted murder for the reason that I had not notified the Detective John saiemme star #20 769 did not call an ambulance and left the man there. Five years after, gallimore went to trial. The young man testified against him, and he was found guilty and sentenced to 12 years. One month after, I was supposed to have a trial, but it was delayed. The day I went to Court, the public defender said that I had nothing to do with what happened that night and the oniy reason I was charged was because I was there when it happened. I had no defense on my side, and they tried to shift my case to a different courtroom. And a month after, the second time I was in Court I was given a plea deal, so I asked what happened to the battery charge. And I was told that the State had made a decision, and there was nothing my public defender could do. I was violated ftom I was charge wrong fully by nasux the state in Chicago Cook county norax 26 and Caifornta court

216448695/24.544

Ulde Anthony Rudon

I am asking the Courts to Vacate my Conviction because I was Charge wrongfully because I hit a man on his left arm and Mr Gallimore beat him in his head Mr Rudon didn't Cause no damage to Michael Davis I have give John Salemme star #20 769 and have never use my statement in Court everything that has it is in my statement I was charged wrongfully by the state in Chicago Cook County 26 and California court violated my due process rights

my lawyer never explain before take a plea deal she never said this will affect my Immigration status that is violate my due process rights

JUNE,12,2013

attempted murder The public defender was mamed cheryl Dimlock, the Judges name was Judge Haux the courtroom was 205. I told my public defender what had happened that night at the bar. The case was long for that two years, she told me I I was chargedwith Battery and I was offered two years . I denied the plea deal so my case was prolonged for three years. After three yeaes. I was told thsl the state had boosted up my charge to attempted murder for the reason that I had not notified the police, did not call an ambulance, and left the man there. Ficve years after, Mr Gallimore went to trial. The young man testified against him, and he was fonud guiltyand esntenced to 12 years. One month after, I was supposed to have a trial, but it was delayrd. The day I went to court, the puyblic defender said that I had nothing to do with what happened that night, and the only reason Iwas charged was because I was there

G.J. NO. 79  
GENERAL NO. 13CR-17388

CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT  
CRIMINAL DIVISION  
SEPTEMBER 2013

The People of the State of  
Illinois  
v.

Tremaine Gallimore

Anthony Rudon

**INDICTMENT FOR**  
**ATTEMPT FIRST DEGREE MURDER**

A TRUE BILL

  
Foreman of the Grand Jury

WITNESS

Detective: John Salemme, Star#20769

Filed

Bail \$

,20

Clerk

13 SEP 16 PM 1:12

00098

## IN THE CIRCUIT COURT OF COOK COUNTY

PEOPLE OF THE STATE OF ILLINOIS ) CASE NUMBER 13CR1738802  
 V. ) DATE OF BIRTH 03/23/63  
ANTHONY RUDON ) DATE OF ARREST 08/18/13  
 Defendant IR NUMBER 2218693 SID NUMBER \_\_\_\_\_

ORDER OF COMMITMENT AND SENTENCE TO  
ILLINOIS DEPARTMENT OF CORRECTIONS  
=====

The above named defendant having been adjudged guilty of the offense(s) enumerated below is hereby sentenced to the Illinois Department of Corrections as follows:

Count	Statutory Citation	Offense	Sentence	Class
001	720 - 5/8-4 (A) (720-5)	(ATT) ATTEMPT MURDER/INTENT TO and said sentence shall run concurrent with count(s) _____	YRS. 008 MOS.00	X
		and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:	YRS. _____ MOS. _____	_____
		and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:	YRS. _____ MOS. _____	_____
		and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:	YRS. _____ MOS. _____	_____
		and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:	YRS. _____ MOS. _____	_____

On Count \_\_\_\_\_ defendant having been convicted of a class \_\_\_\_\_ offense is sentenced as a class X offender pursuant to 730 ILCS 5/5-5-3(C)(8).

On Count \_\_\_\_\_ defendant is sentenced to an extended term pursuant to 730 ILCS 5/5-8-2.

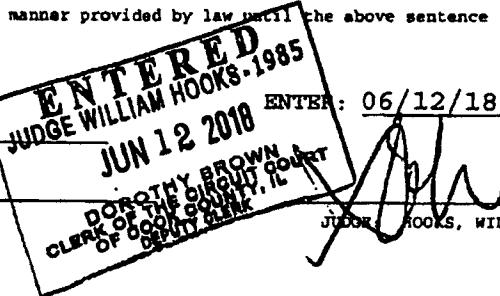
The Court finds that the defendant is entitled to receive credit for time actually served in custody for a total credit of 1934 days as of the date of this order. Defendant is ordered to serve 0003 years Mandatory Supervised Release.

IT IS FURTHER ORDERED that the above sentence(s) be concurrent with the sentence imposed in case number(s) \_\_\_\_\_ AND: consecutive to the sentence imposed under case number(s) \_\_\_\_\_

IT IS FURTHER ORDERED THAT MITT TO ISSUE \_\_\_\_\_ SENTENCE TO BE SERVE AT 85% \_\_\_\_\_

IT IS FURTHER ORDERED that the Clerk provide the Sheriff of Cook County with a copy of this Order and that the Sheriff take the defendant into custody and deliver him/her to the Illinois Department of Corrections and that the Department take him/her into custody and confine him/her in a manner provided by law until the above sentence is fulfilled.

DATED JUNE 12, 2018  
 CERTIFIED BY T CRUMP  
 DEPUTY CLERK  
 VERIFIED BY \_\_\_\_\_



JUDGE HOOKS, WILLIAM H.

1985

CCG N305

00105

STATE OF ILLINOIS )  
) SS.  
COUNTY OF COOK )

The SEPTEMBER 2013 Grand Jury of the  
Circuit Court of Cook County,

The Grand Jurors chosen, selected and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about June 17, 2013 at and within the County of Cook

Tremaine Gallimore  
Anthony Rudon

committed the offense of                   ATTEMPT FIRST DEGREE MURDER

in that THEY, WITHOUT LAWFUL JUSTIFICATION, WITH INTENT TO KILL, DID AN ACT, TO WIT: STRUCK MICHAEL DAVIS ABOUT THE HEAD AND BODY, WHICH CONSTITUTED A SUBSTANTIAL STEP TOWARDS THE COMMISSION OF FIRST DEGREE MURDER,

IN VIOLATION OF CHAPTER 720 ACT 5 SECTION 8-4(a) (720-5\9-1(a)(1)) OF THE ILLINOIS COMPILED STATUTES 1992 AS AMENDED AND

contrary to the Statute and against the peace and dignity of the same People of the State of Illinois.

COUNT NUMBER 1  
CASE NUMBER 13CR-17388  
CHARGE ID CODE: A0735000

6-30  
1/200

12 yr  
3 yr max

70

00099

---

The Grand Jurors chosen, selected and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about June 17, 2013 at and within the County of Cook

Tremaine Gallimore  
Anthony Rudon

committed the offense of AGGRAVATED BATTERY

in that THEY, IN COMMITTING A BATTERY, KNOWINGLY USED A DEADLY WEAPON, OTHER THAN BY THE DISCHARGE OF A FIREARM, WITHOUT LEGAL JUSTIFICATION, CAUSED BODILY HARM TO MICHAEL DAVIS, TO WIT: STRUCK MICHAEL DAVIS ABOUT HIS BODY WITH A BAT, IN VIOLATION OF CHAPTER 720 ACT 5 SECTION 12-3.05(f)(1) OF THE ILLINOIS COMPILED STATUTES 1992 AS AMENDED AND

contrary to the Statute and against the peace and dignity of the same People of the State of Illinois.

COUNT NUMBER 2  
CASE NUMBER 13CR-17388  
CHARGE ID CODE: 0016122

*JW 3*  
*S*  
*15*

00100

The Grand Jurors chosen, selected and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about June 17, 2013 at and within the County of Cook

Tremaine Gallimore  
Anthony Rudon

committed the offense of AGGRAVATED BATTERY

in that THEY, IN COMMITTING A BATTERY, KNOWINGLY USED A DEADLY WEAPON, OTHER THAN BY THE DISCHARGE OF A FIREARM, WITHOUT LEGAL JUSTIFICATION, CAUSED BODILY HARM TO MICHAEL DAVIS, TO WIT: STRUCK MICHAEL DAVIS ABOUT HIS BODY WITH A PIPE,

IN VIOLATION OF CHAPTER 720 ACT 5 SECTION 12-3.05(f)(1) OF THE ILLINOIS COMPILED STATUTES 1992 AS AMENDED AND

contrary to the Statute and against the peace and dignity of the same People of the State of Illinois.

COUNT NUMBER 3  
CASE NUMBER 13CR-17388  
CHARGE ID CODE: 0016122

W M

00101

The Grand Jurors chosen, selected and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about June 17, 2013 at and within the County of Cook

Tremaine Gallimore  
Anthony Rudon

committed the offense of AGGRAVATED BATTERY

in that THEY, IN COMMITTING A BATTERY, OTHER THAN BY THE DISCHARGE OF A FIREARM, KNOWINGLY WITHOUT LEGAL JUSTIFICATION, CAUSED GREAT BODILY HARM TO MICHAEL DAVIS, TO WIT: STRUCK MICHAEL DAVIS ABOUT THE BODY,

IN VIOLATION OF CHAPTER 720 ACT 5 SECTION 12-3.05(a)(1) OF THE ILLINOIS COMPILED STATUTES 1992 AS AMENDED AND

contrary to the Statute and against the peace and dignity of the same People of the State of Illinois.

COUNT NUMBER 4  
CASE NUMBER 13CR-17388  
CHARGE ID CODE: 0016094

J  
S  
✓  
✓

---

The Grand Jurors chosen, selected and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about June 17, 2013 at and within the County of Cook

Tremaine Gallimore  
Anthony Rudon

committed the offense of AGGRAVATED BATTERY

in that THEY, IN COMMITTING A BATTERY, OTHER THAN BY THE DISCHARGE OF A FIREARM, KNOWINGLY WITHOUT LEGAL JUSTIFICATION CAUSED PERMANENT DISFIGUREMENT TO MICHAEL DAVIS, TO WIT: STRUCK MICHAEL DAVIS ABOUT THE BODY,

IN VIOLATION OF CHAPTER 720 ACT 5 SECTION 12-3.05(c) OF THE ILLINOIS COMPILED STATUTES 1992 AS AMENDED AND

contrary to the Statute and against the peace and dignity of the same People of the State of Illinois.

COUNT NUMBER 5  
CASE NUMBER 13CR-17388  
CHARGE ID CODE: 0016094

*[Handwritten signature]*

*Amber Alvaraz*

00103

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.  
Forms are free at [ilcourts.info/forms](http://ilcourts.info/forms).

STATE OF ILLINOIS, CIRCUIT COURT		REQUEST TO EXPUNGE & IMPOUND AND/OR SEAL CRIMINAL RECORDS	For Court Use Only  <i>24-544</i>																																			
<b>Instructions ▾</b> Directly above, enter the name of county where you will file the case. Enter your name, birth date, race, and gender. List any other names you used when arrested on the cases listed on this form. If the Clerk gave you a new case number, enter it to the right. Enter the number for all eligible arrests and charges on your criminal record in this county. If an arrest did not result in formal charges, enter the arrest number.		Request of: <u>Ulide Anthony Rudson</u> Your name (First, middle, last name) <u>Conrad Jones</u> Other names used in these cases 03/23/1963      Cooley Indian      Male Date of birth      Race      Gender	<b>Case Number (if the Clerk assigns a new number)</b>  <b>Arrest or Case Numbers of all Eligible Criminal Offenses on your Record in this County:</b> <u>13CR1738802</u>  <b>RECEIVED</b> MOLLY C. DWYER, CLERK U.S. COURT OF APPEALS  <u>JUL 02 2024</u>  <b>FILED</b> <b>DOCKETED</b>																																			
If you are <b>only</b> requesting to seal cases, do not fill out sections 2 - 11. Go to section 11.		1. I am requesting to expunge and impound records. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If no, go to Section 11) 2. I ask the Court to <b>EXPUNGE AND IMPOUND</b> the following arrests or charges from the records of the Arresting Agency, the Circuit Clerk, and the Illinois State Police. I was arrested, or charged without being arrested, and not convicted on the dates and for the offenses listed below:																																				
See <i>How to Expunge and/or Seal a Criminal Record</i> to make sure all of your cases can be erased by expunging your record. For help filling out this table, see pages 12 – 15. <b>Do not list any convictions in this section.</b>		<table border="1"> <thead> <tr> <th>Arrest or Case Number</th> <th>Arresting Agency</th> <th>Charge (list all charges for each case number)</th> <th>Date of Arrest</th> <th>Outcome (for example, RV, S or P)</th> </tr> </thead> <tbody> <tr> <td>13CR1738802</td> <td>Police Department</td> <td>Attempt murder</td> <td>08/18/2013</td> <td>RV</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Arrest or Case Number	Arresting Agency	Charge (list all charges for each case number)	Date of Arrest	Outcome (for example, RV, S or P)	13CR1738802	Police Department	Attempt murder	08/18/2013	RV																									
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In 2, enter all eligible arrests or charges on your record. Enter all charges for each case number. For Outcome, enter an outcome that matches the outcome of your case. Use the shortened version of the outcome from the Outcome Abbreviations box.		<b>Outcome Abbreviations</b> <table border="1"> <tr> <td>RV</td> <td>Conviction Reversed or Vacated</td> <td>P</td> <td>Pardon from the Governor</td> </tr> <tr> <td>CE</td> <td>Certificate of Eligibility for Expungement from PRB</td> <td>FI</td> <td>Found Factually Innocent</td> </tr> <tr> <td>RWC</td> <td>Released Without Charge</td> <td>DA</td> <td>Dismissal or Acquittal</td> </tr> <tr> <td>S</td> <td>Supervision Successfully Completed</td> <td>QP</td> <td>Qualified Probation Successfully Completed</td> </tr> </table>		RV	Conviction Reversed or Vacated	P	Pardon from the Governor	CE	Certificate of Eligibility for Expungement from PRB	FI	Found Factually Innocent	RWC	Released Without Charge	DA	Dismissal or Acquittal	S	Supervision Successfully Completed	QP	Qualified Probation Successfully Completed																			
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If you need more room, use the <i>Additional Arrests or Cases for Expungement</i> form and check the box.		<input type="checkbox"/> I have listed additional arrests or cases on the attached <i>Additional Arrests or Cases for Expungement</i> form.																																				

Enter the Case Number given by the Circuit Clerk: \_\_\_\_\_

I need more room to explain and I have listed additional information on the attached *Additional Motion* form.

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

Enter your complete address, telephone number, and email address, if you have one.

**I certify that everything in the *Motion* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.**

Is/

Your Signature

10450 Rancho Road

Street Address

Vlade Anthony Rudon

Print Your Name

Adelanto, CA, 92301

City, State, ZIP

Telephone

Email

Atty # (if any)

**GETTING COURT DOCUMENTS BY EMAIL:** You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

## PROOF OF DELIVERY

### 1. I am sending the *Motion*

a. To:

Name: Molly

First

C.

Middle

Dwyer

Last

Address: Post office Box 193934 San Francisco CA 94119-3934

Street, Apt #

City

State

ZIP

Email address: \_\_\_\_\_

b. By:

 An approved electronic filing service provider (EFSP) Email (not through an EFSP)

*Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.*

 Personal hand delivery to: The party The party's family member who is 13 or older, at the party's residence The party's lawyer The party's lawyer's office Mail or third-party carrier

c. On: 06/21/2024 at: 8:00  a.m.  p.m.

Date

Time

In 1a, enter the name, mailing address, and email address of the party you are sending the document to. If they have a lawyer, you **must** enter the lawyer's information.

In 1b, check the box to show how you are sending the document.

**CAUTION:** If you and the person you are sending the document to have an email address, you **must** use one of the first two options. Otherwise, you may use one of the other options.

In c, fill in the date and time that you are sending the document.

Enter the Case Number given by the Circuit Clerk: \_\_\_\_\_

In 3-11, check ALL boxes that apply.

In 3, you cannot expunge a criminal conviction unless one of the special situations listed under checkboxes a, b, c, or d describes your case.

In 7, your record must specifically state that you had Qualified Probation. It might also be called Second Chance, 410, 710, 1410, or TASC probation.

In 8, if you got supervision for any case, 5 years must have passed since the end of the sentence for:

- Domestic Battery;
- Criminal Sexual Abuse;
- Driving without Insurance;
- Driving with registration suspended for Non-Insurance;
- Display of False Insurance Card;
- Scrap Processors to Keep Records; OR
- 2 years must pass since the end of the sentence for all other supervisions (except those listed in 9, which can never be expunged).

If you are **only** requesting to expunge cases, do **not** fill out sections 12 - 23. Skip to the bottom and sign to form.

See *How to Expunge and/or Seal a Criminal Record* to make sure your cases can be hidden by sealing your record. For help filling out the table on the next page, see pages 12 - 15.

3.  I was not convicted of any offenses I want to expunge, unless (*Check the box that applies*):
  - a.  I was convicted, but the conviction was reversed or vacated; OR
  - b.  I received a pardon from the Governor of the State of Illinois allowing expungement. (*Attach a copy of the pardon.*); OR
  - c.  I received a Certificate of Eligibility for Expungement by the Prisoner Review Board. (*Attach a copy of the Certificate.*); OR
  - d.  I was found factually innocent in the case I am asking to expunge.
4.  For at least one case, I was arrested and released, and no charges were filed against me.
5.  For at least one case, I was arrested for a minor traffic offense and released from custody without being charged.
6.  For at least one case, I was charged, but was later acquitted or the case was dismissed.
7.  For at least one case, I received a sentence of Qualified Probation; AND
  - a. At least 5 years have passed since my Qualified Probation ended successfully; AND
  - b. I have attached the results of a drug test that I passed within the last 30 days.
8.  For at least one case, I received a sentence of supervision; AND
  - a.  For certain offenses listed in the law, at least 5 years have passed since I completed my supervision successfully; OR
  - b.  At least 2 years have passed since I completed my supervision successfully.
9.  I am NOT seeking to expunge any arrests or charges that resulted in supervision for:
  - a. Driving Under the Influence; OR
  - b. Any sexual offense against a person under the age of 18; OR
  - c. Reckless Driving when I was 25 years of age or older.
10.  For at least one case, I received a sentence of supervision for Reckless Driving; AND
  - a. I was under the age of 25 when the offense was committed; AND
  - b. I have no other convictions for DUI or Reckless Driving; AND
  - c. I have reached the age of 25.
11. I am requesting to seal records.
 

Yes       No (*If no, skip Sections 12- 23*)

Enter the Case Number given by the Circuit Clerk: \_\_\_\_\_

In 12, enter all eligible arrests, charges, and convictions you want sealed. Enter all charges for each case number. For **Outcome**, enter an outcome that reflects the outcome of your case. Use the shortened version of the outcome from the **Outcome Abbreviations** box.

If you need more room to list additional eligible arrests or charges use the *Additional Arrests or Cases for Sealing* form and check the box.

13- 14 must be true for you to use this form.

For 13, traffic offenses cannot be sealed unless they were an eligible Class A or B misdemeanor.

In 15 - 22, check ALL boxes that apply.

In 16 and 17a -c, some misdemeanor supervisions and convictions cannot be sealed, like DUI, some Reckless Driving Offenses, Domestic Battery, some Sexual Offenses, and Dog Fighting.

In 17b, some Class 3 and Class 4 felony offenses can be sealed, like Theft, Possession of Cannabis, Possession of a Controlled Substance, and a few others.

For a complete list of crimes that can and cannot be sealed, see the *How to Expunge and/or Seal a Criminal Record*.

12. I ask the Court to **SEAL** the following arrests, charges, or convictions from the records of the Arresting Agency, the Circuit Clerk, and the Illinois State Police:

Arrest or Case Number	Arresting Agency	Charge (list all charges for each case number)	Date of Arrest	Outcome (for example, MC, FC, or CE)
13CR1738802	Police Department	Attempt murder	08/18/13	FC

#### Outcome Abbreviations

<b>MC</b>	Misdemeanor Conviction	<b>FC</b>	Felony Conviction
<b>CE</b>	Certificate of Eligibility for Sealing from PRB	<b>QP</b>	Qualified Probation Successfully Completed

I have listed additional arrests or cases on the attached *Additional Arrests or Cases for Sealing* form.

13. I am not asking to seal arrests or charges for minor traffic offenses, unless I was released without being charged.

14. I am not asking to seal a felony conviction that happened after the sealing of a prior felony conviction.

15.  I am asking to seal a successfully completed sentence of Second Chance Probation (under Section 5-6-3.4 of the Unified Code of Corrections), for which there is no waiting period.

16.  At least 2 years have passed since I successfully completed my supervision, for eligible offenses.

17. At least 3 years have passed since the end of my last sentence (*Unless #20 or 21 applies*); AND (Check all that apply):
 

- a.  I received a misdemeanor conviction for an offense subject to sealing;
- b.  I received a felony conviction for an offense subject to sealing. If it was a drug case, I have attached the results of a drug test that I passed within the last 30 days.
- c.  I successfully completed a sentence under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, or Offender Initiative Program (under Section 5-6-3.3 of the Unified Code of Corrections), AND I have attached the results of a drug test that I passed within the last 30 days.

18.  I am not asking to seal a felony conviction for which I currently have to register on a public registry, including the Arsonist Registration Act, the Sex Offender Registration Act, or the Murder and Violent Offender Against Youth Registration Act.

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

STATE OF ILLINOIS, CIRCUIT COURT		MOTION	For Court Use Only
COUNTY			
<b>Instructions ▾</b> Directly above, enter the name of the county where the case was filed.		<b>Plaintiff / Petitioner</b> (First, middle, last name) Ulide Anthony Rudon	
Enter the name of the person who started the lawsuit as Plaintiff/Petitioner.			
Enter the names of the people and businesses sued as Defendants/Respondents.		<b>Defendants / Respondents</b> (First, middle, last name, or business name) People of the state of illinois	
Enter the Case Number given by the Circuit Clerk.		<b>Case Number</b>	

In 1, check if you are the Plaintiff/Petitioner or Defendant/Respondent.
In 2, enter what you are asking the court for with this Motion.
In the lines write what you are asking the court to do, and the reasons why the judge should agree with you.

1. **Motion by:**  Plaintiff/Petitioner  Defendant/Respondent

2. **Motion for:** I am asking the courts to vacate my conviction because I was charge wrongfully because I hit a man in his left arm and Mr Gallimore beat him in his head. Mr Rudon didn't cause no damage to Mr Davis I have give a statement to detective John Saleme star # 20769 and have never use my statement in court, everything that has it is in my statement I was charge wrongfully by the State in Chicago COOK Country 26 and California Court.

My lawyer never explain before take a plea deal she never said this will affect my immigration status that is violate my rights to know my rights

Enter the Case Number given by the Circuit Clerk: \_\_\_\_\_

In 2, if you are sending the document to more than 1 party or lawyer, fill in a, b, and c. Otherwise leave 2 blank.

In 2a, enter the name, mailing address, and email address of the party you are sending the document to. If they have a lawyer, you **must** enter the lawyer's information.

In 2b, check the box to show how you are sending the document.

**CAUTION:** If you and the person you are sending the document to have an email address, you **must** use one of the first two options. Otherwise, you may use one of the other options.

In c, fill in the date and time that you are sending the document.

If you are sending your document to more than 2 parties or lawyers, check the box and file the *Additional Proof of Delivery* with this form.

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

Enter your complete address, telephone number, and email address, if you have one.

**GETTING COURT DOCUMENTS BY EMAIL:** You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

**2. I am sending this document:**

a. To:

Name: \_\_\_\_\_ *First* \_\_\_\_\_ *Middle* \_\_\_\_\_ *Last* \_\_\_\_\_

Address: \_\_\_\_\_ *Street, Apt #* \_\_\_\_\_ *City* \_\_\_\_\_ *State* \_\_\_\_\_ *ZIP* \_\_\_\_\_

Email address: \_\_\_\_\_

b. By:

An approved electronic filing service provider (EFSP)  
 Email (*not through an EFSP*)

*Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.*

Personal hand delivery to:

The party  
 The party's family member who is 13 or older, at the party's residence  
 The party's lawyer  
 The party's lawyer's office

Mail or third party carrier

c. On \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m.  
*Date*

I have completed an *Additional Proof of Delivery* form.

**I certify that everything in the *Proof of Delivery* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.**

/s/

Your Signature

Ulide Anthony Rulon

Print Your Name

Telephone

10450 Ranko Road

Street Address

Adelanto, CA, 92301

City, State, ZIP

Email

Enter the Case Number given by the Circuit Clerk: \_\_\_\_\_

**In 20, check the box if you have completed one of the listed educational goals during your last sentence. If 20 applies to you, all eligible cases can be sealed immediately after the completion of your last sentence.**

19.  For at least one case, I received a Certificate of Eligibility for Sealing by the Prisoner Review Board. (Attach a copy of the Certificate.)

20.  I am eligible to seal all eligible cases upon completion of my LAST sentence because I received a high school diploma, associate's degree, career certificate, vocational or technical certification, or bachelor's degree, or passed the high school GED Test; AND
 

- I did so during the period of my LAST sentence, aftercare release, or mandatory supervised release; AND
- I did not complete the same educational goal before.
- I have attached to this Request proof of the program I completed.

21.  I am eligible to seal all eligible cases upon completion of my LAST sentence because I am a trafficking victim as defined under Section 10-9 of the Criminal Code of 2012, and as such:
 

- I was a victim of human trafficking when my last offense was committed; AND
- My participation in the offense was a direct result of human trafficking under Section 10-9 of the Criminal Code of 2012 OR a severe form of trafficking under the federal Trafficking Victims Protection Act.

22.  For at least one case, I received a conviction for Reckless Driving; AND
 

- I was under the age of 25 when the offense was committed; AND
- I have no other convictions for DUI or reckless driving; AND
- I have reached the age of 25.

**I certify that everything in the *Request to Expunge & Impound and/or Seal Criminal Records* is true and correct. I understand making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.**

/s/  
Your Signature

UFB

06/12/2024  
Date

Enter the name and contact information of the person who should receive copies of the filed paperwork.

**DO NOT** fill in the box to the right.

Name: \_\_\_\_\_  
 Attorney # (if any): \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 City, State, ZIP: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_  
 Email: \_\_\_\_\_

*For official use only*

State's Attorney/Prosecutor/ISP/Arresting Agency/Chief Local Legal Officer:

Received on: \_\_\_\_\_

**GETTING COURT DOCUMENTS BY EMAIL:** You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**Form 25. Certificate of Service for Paper Filing**

**ATTENTION ELECTRONIC FILERS: DO NOT USE FORM 25**

Use Form 25 only if you are **not** registered for Appellate Electronic Filing.

**Instructions**

- You must attach a certificate of service to each document you send to the court and to opposing counsel.
- Include the title of the document you are serving, the name and address of each person you served with a copy of the document, and the date of mailing or hand delivery.
- Sign and date the certificate. You do not need to have the certificate notarized.
- Remember that you must send a copy of **all** documents and attachments to counsel for each party to this case.

9th Cir. Case Number(s) **24-544**

Case Name **Rudon v. Gravica**

I certify that I served on the person(s) listed below, either by mail or hand delivery, a copy of the **EX-R 2903.7** and any attachments. (title of document you are filing, such as *Opening Brief, Motion for* \_\_, etc.)

Signature

**UR**

Date

**06/24/2024**

Name	Address	Date Served
Molly C. Dwyer	Post Office Box 193939 San Francisco, CA 94119-3939	<b>06/24/2024</b>

*Mail this form to the court at:*

Clerk, U.S. Court of Appeals for the Ninth Circuit, P.O. Box 193939, San Francisco, CA 94119-3939

*Feedback or questions about this form? Email us at [forms@ca9.uscourts.gov](mailto:forms@ca9.uscourts.gov)*

G.J. NO. 79  
GENERAL NO. 13CR-17388

CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT  
CRIMINAL DIVISION  
SEPTEMBER 2013

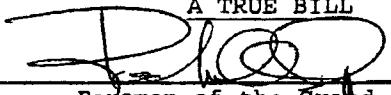
The People of the State of  
Illinois  
v.

Tremaine Gallimore

Anthony Rudon

INDICTMENT FOR  
ATTEMPT FIRST DEGREE MURDER

A TRUE BILL

  
Foreman of the Grand Jury

WITNESS

Detective: John Salemmee, Star#20769

Filed

Bail \$

20  
Clerk

13 SEP 16 PM 1:12

00098

## IN THE CIRCUIT COURT OF COOK COUNTY

PEOPLE OF THE STATE OF ILLINOIS ) CASE NUMBER 13CR1738802  
 V. ) DATE OF BIRTH 03/23/63  
ANTHONY RUDON ) DATE OF ARREST 08/18/13  
 Defendant IR NUMBER 2218693 SID NUMBER \_\_\_\_\_

ORDER OF COMMITMENT AND SENTENCE TO  
ILLINOIS DEPARTMENT OF CORRECTIONS  
=====

The above named defendant having been adjudged guilty of the offense(s) enumerated below is hereby sentenced to the Illinois Department of Corrections as follows:

Count	Statutory Citation	Offense	Sentence	Class
001	720 - 5/8-4 (A) (720-5)	(ATT) ATTEMPT MURDER/INTENT TO and said sentence shall run concurrent with count(s) _____	YRS. 008 MOS.00	X
		and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:	YRS. _____ MOS. _____	_____
		and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:	YRS. _____ MOS. _____	_____
		and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:	YRS. _____ MOS. _____	_____
		and said sentence shall run (concurrent with) (consecutive to) the sentence imposed on:	YRS. _____ MOS. _____	_____

On Count \_\_\_\_\_ defendant having been convicted of a class \_\_\_\_\_ offense is sentenced as a class X offender pursuant to 730 ILCS 5/5-5-3(C) (8).

On Count \_\_\_\_\_ defendant is sentenced to an extended term pursuant to 730 ILCS 5/5-8-2.

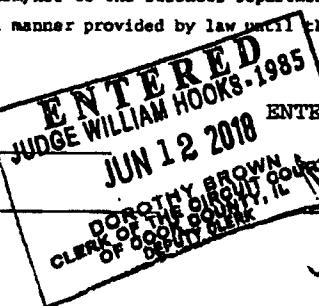
The Court finds that the defendant is entitled to receive credit for time actually served in custody for a total credit of 1934 days as of the date of this order. Defendant is ordered to serve 0003 years Mandatory Supervised Release.

IT IS FURTHER ORDERED that the above sentence(s) be concurrent with the sentence imposed in case number(s) \_\_\_\_\_ AND: consecutive to the sentence imposed under case number(s) \_\_\_\_\_

IT IS FURTHER ORDERED THAT MITT TO ISSUE \_\_\_\_\_ SENTENCE TO BE SERVE AT 85% \_\_\_\_\_

IT IS FURTHER ORDERED that the Clerk provide the Sheriff of Cook County with a copy of this Order and that the Sheriff take the defendant into custody and deliver him/her to the Illinois Department of Corrections and that the Department take him/her into custody and confine him/her in a manner provided by law until the above sentence is fulfilled.

DATED JUNE 12, 2018  
 CERTIFIED BY T CRUMP  
 DEPUTY CLERK  
 VERIFIED BY \_\_\_\_\_



JUDGE WILLIAM HOOKS, WILLIAM H.

1985

CCG N305

00105

The Grand Jurors chosen, selected and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about June 17, 2013 at and within the County of Cook

Tremaine Gallimore  
Anthony Rudon

committed the offense of AGGRAVATED BATTERY

in that THEY, IN COMMITTING A BATTERY, KNOWINGLY USED A DEADLY WEAPON, OTHER THAN BY THE DISCHARGE OF A FIREARM, WITHOUT LEGAL JUSTIFICATION, CAUSED BODILY HARM TO MICHAEL DAVIS, TO WIT: STRUCK MICHAEL DAVIS ABOUT HIS BODY WITH A BAT, IN VIOLATION OF CHAPTER 720 ACT 5 SECTION 12-3.05(f)(1) OF THE ILLINOIS COMPILED STATUTES 1992 AS AMENDED AND

contrary to the Statute and against the peace and dignity of the same People of the State of Illinois.

COUNT NUMBER 2  
CASE NUMBER 13CR-17388  
CHARGE ID CODE: 0016122

✓  
S

00100

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The Grand Jurors chosen, selected and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about June 17, 2013 at and within the County of Cook

Tremaine Gallimore  
Anthony Rudon

committed the offense of AGGRAVATED BATTERY

in that THEY, IN COMMITTING A BATTERY, OTHER THAN BY THE DISCHARGE OF A FIREARM, KNOWINGLY WITHOUT LEGAL JUSTIFICATION CAUSED PERMANENT DISFIGUREMENT TO MICHAEL DAVIS, TO WIT: STRUCK MICHAEL DAVIS ABOUT THE BODY,

IN VIOLATION OF CHAPTER 720 ACT 5 SECTION 12-3.05(c) OF THE ILLINOIS COMPILED STATUTES 1992 AS AMENDED AND

contrary to the Statute and against the peace and dignity of the same People of the State of Illinois.

COUNT NUMBER 5  
CASE NUMBER 13CR-17388  
CHARGE ID CODE: 0016094

*[Handwritten signature]*

*Anthony Rudon*

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

The SEPTEMBER 2013 Grand Jury of the  
Circuit Court of Cook County,

The Grand Jurors chosen, selected and sworn, in and for the County of Cook, in the State of Illinois, in the name and by the authority of the People of the State of Illinois, upon their oaths present that on or about June 17, 2013 at and within the County of Cook

Tremaine Gallimore  
Anthony Rudon

committed the offense of                   ATTEMPT FIRST DEGREE MURDER

in that THEY, WITHOUT LAWFUL JUSTIFICATION, WITH INTENT TO KILL, DID AN ACT, TO WIT: STRUCK MICHAEL DAVIS ABOUT THE HEAD AND BODY, WHICH CONSTITUTED A SUBSTANTIAL STEP TOWARDS THE COMMISSION OF FIRST DEGREE MURDER,

IN VIOLATION OF CHAPTER 720 ACT 5 SECTION 8-4(a) (720-5\9-1(a)(1)) OF THE ILLINOIS COMPILED STATUTES 1992 AS AMENDED AND

contrary to the Statute and against the peace and dignity of the same People of the State of Illinois.

COUNT NUMBER 1  
CASE NUMBER 13CR-17388  
CHARGE ID CODE: A0735000

6-30  
1/10/14

12 AM 1/10/14  
3 AM 1/10/14

70

00099

216448695/24.544

Ulde Anthony Rudon

I am asking the Courts to Vacate my Conviction because I was Charge wrongfully because I hit a man on his left arm and Mr Gallimore beat him in his head Mr Rudon didn't Cause no damage to Michael Davis I have give John Salemme star #20 769 and have never use my statement in Court everything that has it is in my statement I was charged wrongfully by the state in Chicago Cook County 26 and California court violated my due process rights

my lawyer never explain before take a plea deal she never said this will affect my Immigration status that is violate my due process rights

Ulde Anthony Rudon  
216 448 695/24.544

I was arrested on Apple 2013 and was investigated I the Detective John saiemme star #20 769 everything that happened that night at night at the bar The police proceeded to put us in a line up with Mr gallimore, and the witness pointed us out After, were placed in a cell Three days later, I was taken to County Jail. On the first week I was taken to Court, and they told me that I was charged with Battery and Mr. gallimore was charged with attempted murder. The public defender was named Dimlock the Judge's name was Haux and the Courtroom was 205. I told my public defender what had happened that night at the bar. The case was long For the fist two years, she told me I was charged with Battery and I was offered two years. I denied the plea deal, so my case was prolonged for three years

After three years,I was told that the State had boosted up my charge to attempted murder for the reason that I had not notified the Detective John saiemme star #20 769 did not call an ambulance and left the man there. Five years after, gallimore went to trial. The young man testified against him, and he was found guilty and sentenced to 12 years. One month after, I was supposed to have a trial, but it was delayed. The day I went to Court, the public defender said that I had nothing to do with what happened that night and the oniy reason I was charged was because I was there when it happened. I had no defense on my side, and they tried to shift my case to a different courtroom. And a month after, the second time I was in Court I was given a plea deal, so I asked what happened to the battery charge. And I was told that the State had made a decision, and there was nothing my public defender could do. I was violated ftom I was charge wrong fully by nasux the state in Chicago Cook county norax 26 and Caifornta court

JUNE,12,2013

attempted murder The public defender was mamed cheryl Dimlock, the Judges name was Judge Haux the courtroom was 205. I told my public defender what had happened that night at the bar. The case was long for that two years, she told me I

I was charged with Battery and I was offered two years . I denied the plea deal so my case was prolonged for three years.

After three yeaes. I was told thsl the state had boosted up my charge to attempted murder for the reason that I had not notified the police, did not call an ambulance, and left the man there. Ficve years after, Mr Gallimore went to trial. The young man testified against him, and he was fonud guilty and esntenced to 12 years. One month after, I was supposed to have a trial, but it was delayrd. The day I went to court, the puyblic defender said that I had nothing to do with what happened that night, and the only reason I was charged was because I was there